

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3067 OF 2004**

Salim Hamidulla Khan
@ Banti @ Rahul ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

None for the applicant.

Shri. A.S. Gadkari, A.P.P. for Respondent.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 23RD DECEMBER, 2004

P.C.:-

1. Heard the learned A.P.P. for the State.
2. The applicant is seeking bail in C.R. No. 33/2002 registered at A.C.B. Mumbai (Special Case No. 68/2002). The applicant had earlier preferred an application for bail which came to be rejected by this Court. However, thereafter, co-accused Shri. Pandharinath Wani has been released on bail by the Supreme Court by order dated 15.10.2004. One further development which has taken place is that another co-accused Shri. Sanjay Patil has also been released on bail by this Court by order dated 22.12.2004. It is on the fresh ground that the co-accused has been released on bail that the applicant has prayed for

bail.

3. In my view, the appropriate course would be to allow the applicant to prefer a fresh application for bail before the trial Court and the trial Court is directed to decide the same in view of the fresh developments without being influenced by any observations made by this Court in earlier orders whereby the application of the applicant for bail has been rejected.

4. Order accordingly.

5. Application is disposed of.

(SMT. V.K.TAHILRAMANI, J.)